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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,334	06/21/2001	Kael Duaine Burden	BURD-0275	5412
7590	03/12/2004	EXAMINER		
Kenneth C. Booth Schmeiser, Olsen & Watts LLP 18 East University Drive, #101 Mesa, AZ 85201			GRAHAM, CLEMENT B	
		ART UNIT	PAPER NUMBER	
		3628		

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary	Application No.	Applicant(s)
	09/886,334	BURDEN, KAELE DUAINE
	Examiner Clement B Graham	Art Unit 3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 October 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 and 32-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-17 and 32-44 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

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DETAILED ACTION

1. Claims, 1-17 and 32-44 are remained.

Claim Rejections - 35 USC § 102

2. Rejection under 35 U.S.C 102(e), Patent Application Publication or Patent to Another with Earlier Filing Date, in view of the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 10-11, 12-13, 15-17, 23-33, 35-41, 44, are rejected under 35

U.S.C. 102(e) as being anticipated by Norris U.S Patent 6, 105, 007.

As per claim 1-5, 10, Norris disclose an investment machine for public use and display, the investment machine. ("i. e, Kiosk") comprising:

- a. housing.(see column Fig: 2)
- b. a display at least partially enclosed by the housing and viewable by an investor .("i. e, applicant ") adjacent to the housing.(see Fig: 2 and see column 3 lines 45-60 see column 9 lines 5-55)
- c. an investor identifier at least partially enclosed within the housing and configured to receive a unique identifier from the investor.(see column 3 lines 45-60 see column 8 line 5) and
- d. a money receiver at least partially enclosed within the housing and configured to receive and identify money to be received.(Note fig: 2 and see column 9 line 65 and column 10 line 5) e. a processor at least partially enclosed within the housing. (see

column 9 lines 5-60) and configured to receive money to be invested. (see column 9 line 65 and column 10 line 5) input from the investor. ("i. e, applicant") representative of the investor's current preferences ("i. e, mutual funds, savings bonds, or certificates of deposits" see column 3 line 60 and column 9 line 65 and column 10 line 5) for investing the money and to transmit a signal representative of the input for use in investing at least a portion of the money in association with the unique identifier received from the investor.(see column 9 lines 5-55).

As per claim 6, Norris disclose a network communication connection is further configured to couple the processor of the investment machine to the central processor at substantially the same time as the investor identifier receives the unique identifier from the investor.(see column 9 lines 5-55).

As per claim 7, Norris disclose to teach the display is configured to display at least one of investment information, advertising information, and account information.(see column 3 lines 45-60).

As per claim 12-13, Norris disclose a method of investing money, the method comprising:

associating a unique identifier with at least one person.(see column 3 lines 45-60") receiving money at an investment machine."(i. e, Kiosk") from the at least one person.(Note fig: 2 and see column 9 line 65 and column 10 line 5) receiving current investment preferences. ("i. e, mutual funds, savings bonds, or certificates of deposits" see column 3 line 60 and column 9 line 65 and column 10 line 5) through the investment machine from the at least one person and investing at least a portion of the money on

behalf of the at least one person in accordance with the current investment preferences.(see column 9 lines 5-55).

As per claim 11, Norris disclose an investment report. ("i. e, documents") disburse ("i. e, printer") associated with the processor and configured to disburse a report associated with the investor's unique identifier.(See column 4 line 35).

As per claim 15, Norris disclose inputting a unique identifier ("i. e, signature see column 9 line 5-55 and column 3 lines 45-60") an investment machine.("i. e, Kiosk") placing money to be invested into the investment machine("i. e, signature see column 9 line 5-55") and selecting a current investment preference option at the investment machine.(see column 9 lines 30-35 and column 3 lines 45-60).

As per claim 16, Norris disclose receiving an investment report.("i. e, documents") from the investment machine.(see column 4 lines 30-35).

As per claim 17, Norris disclose the money receiver is configured to receive one or more of a coin, a bill, a magnetic strip card, a bar code, a smart card and an alphanumeric code.(see column 9 lines 5-55).

As per Claim 32, Norris disclose inputting a unique identifier ("i. e, signature see column 9 line 5-55 and column 3 lines 45-60") an investment machine("i. e, Kiosk") placing money to be invested into the investment machine.(see column 9 line 65 and column 10 line 5) selecting a current investment preference option at the investment machine.(see column 9 line 30-35)

As per claim 33, Norris disclose receiving an investment report.("i. e, documents") from the investment machine.(see column 4 lines 30-35).

As per claim 35-39, Norris disclose an investment machine for public use and display, the investment machine. ("i. e, Kiosk") comprising:

- a. housing.(see column Fig: 2)
- b. a display at least partially enclosed by the housing and viewable by an investor .("i. e, applicant ") adjacent to the housing.(see Fig: 2 and see column 3 lines 45-60 see column 9 lines 5-55)
- c. an investor identifier at least partially enclosed within the housing and configured to receive a unique identifier from the investor.(see column 3 lines 45-60 see column 8 line 5) and
- d. at least one of a coin receiver and a bill receiver at least partially enclosed within the housing and processor configured to receive and identify money to be invested.(Note fig: 2 and see column 9 line 65 and column 10 line 5) and processor at least partially enclosed within the housing. (see column 9 lines 45-60) and configured to receive input from the investor indicative of the investor's current investment preferences.(see column 9 lines 30-35) and to transmit a signal representative of the input for use in investing at least a portion of the money. (see column 3 lines 45-60) in association with the unique identifier received from the investor.(see column 3 lines 45-60 and column 5 lines 45-55).

As per claim 40, Norris disclose a network communication connection is further configured to couple the processor of the investment machine to the central processor at substantially the same time as the investor identifier receives the unique identifier from the investor.(see column 9 lines 5-55 and column 14 lines 35-40).

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As per claim 41, Norris disclose the display is configured to display at least one of investment information, advertising information, and account information.(see column 3 lines 45-60).

As per claim 44, Norris disclose an investment report. ("i. e, documents") disburse ("i. e, printer") associated with the processor and configured to disburse a report associated with the investor's unique identifier.(See column 4 line 35).

4. Claims 8-9,14, 34, 42-43, are rejected under 35 U.S.C. 103(a) as being unpatentable over Norris U.S Patent 6, 105, 007.

As per claim 8, Norris fail to teach the advertising information is selected on the basis of one or more of an investor's investment activities, an investor's personal information, a location at which the investment machine is located and an identity of a sponsor of the investment machine.

However advertising information based on investor's investment activities, an investor's personal information, a location at which the investment machine is located and an identity of a sponsor of the investment machine of the investment machine is old and well known in the art of advertising because investment advertising is most likely used to target a specific group of investors with a investment history.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Norris to include advertising information selected on the basis of one or more of an investor's investment activities, an investor's personal information, a location at which the investment machine is located and an

identity of a sponsor of the investment machine because investment advertising is most likely used to target a specific group of investors with a investment history.

As per claim 9, Norris fail to teach advertising information is one or more of an informational presentation, a tutorial, a news story, and other information relating to a particular company or its product in which an investor may desire to invest.

However advertising information is one or more of an informational presentation, a tutorial, a news story, and other information relating to a particular company or its product in which an investor may desire to invest is old and well known in the art because an individual can acquire advertising information through a host of ancillary investment news, information, advice, and counseling.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Norris to include to include advertising information being one or more of an informational presentation, a tutorial, a news story, and other information relating to a particular company or its product in which an investor may desire to invest because an individual can acquire advertising information through a host of ancillary investment news, information, advice, and counseling and further these information are used to attract customers for resulting in a financial gain of an institution.

As per claim 14, Norris fail to explicitly teach receiving at least one of an indication from the investor that an investment option provided by the processor is preferred, an investment option pre-selected by the investor is preferred, and an investment option provided by the investor at the time of the indication is preferred.

However it would have been obvious upon receiving an investment option from an investor that this selection would have been is preferred choice and an investment option provided by the processor is preferred, an investment option pre-selected by the investor is preferred, and an investment option provided by the investor at the time of the indication is preferred because the investor would have to research his option prior to making his selection before making a preferred decision or choice.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Norris to include receiving at least one of an indication from the investor that an investment option provided is preferred, an investment option preselected by the investor is preferred, and an investment option provided by the investor at the time of the indication is preferred because the investor would have to research his option prior to making his selection before making a preferred decision or choice.

As per claim 34, Norris fail to teach providing at least one of an indication that an investment option provided is preferred and an indication that a preselected investment option is preferred.

However it would have been obvious upon providing at least one of an indication that an investment option provided is preferred and an indication that a preselected investment option is preferred because the investor would have to research his option prior to making his selection before making a preferred decision or choice.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Norris to include receiving at least one of

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an indication from the investor that an investment option provided is preferred, an investment option preselected by the investor is preferred, and an investment option provided by the investor at the time of the indication is preferred because the investor would have to research his option prior to making his selection before making a preferred decision or choice.

As per claim 42, Norris fail to teach the advertising information is selected on the basis of one or more of an investor's investment activities, an investor's personal information, a location at which the investment machine is located and an identity of a sponsor of the investment machine.

However advertising information based on investor's investment activities, an investor's personal information, a location at which the investment machine is located and an identity of a sponsor of the investment machine of the investment machine is old and well known in the art of advertising because investment advertising is most likely used to target a specific group of investors with a investment history.

As per claim 43, Norris fail to teach advertising information is one or more of an informational presentation, a tutorial, a news story, and other information relating to a particular company or its product in which an investor may desire to invest.

However advertising information is one or more of an informational presentation, a tutorial, a news story, and other information relating to a particular company or its product in which an investor may desire to invest is old and well known in the art because an individual can acquire advertising information through a host of ancillary investment news, information, advice, and counseling.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Norris to include advertising information being one or more of an informational presentation, a tutorial, a news story, and other information relating to a particular company or its product in which an investor may desire to invest because an individual can acquire advertising information through a host of ancillary investment news, information, advice, and counseling and further these information are used to attract customers for resulting in a financial gain of an institution.

Conclusion

Response to Arguments

5. Applicant's arguments files on 10/20/03 have been fully considered but they are moot in view of new grounds of rejections.

With respect to Applicant 's statements that examiner fail to make contact with applicant's in order to schedule an interview the Examiner disagree because several attempts were made, which includes leaving a message with the secretary voice mail messages.

6. With respect to Applicant's argument, that the examiner fail to establish prima facie case of obviousness, Examiner respectfully submits that obviousness is not determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See In re Oetiker, 977F. 2d 1443, 1445,24 USPQ2d 1443, 1444 (Fed. Cir. 1992); In re Hedges, 783F.2d 1038, 1039, 228 USPQ* 685, 686 (Fed. Cir.1992); In re Piaseckii, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir.1984); In re Rinehart, 531 F.2d 1048, 1052, 189 USPQ 143, 147 (CCPA 1976). Using this

standard, the Examiner respectfully submits that he has at least satisfied the burden of presenting a *prima facie* case of obviousness, since he has presented evidence of corresponding claim elements in the prior art and has expressly articulated the combinations and the motivations for combinations that fairly suggest Applicant's claimed invention (See paper number 10). Note, for example, in the instant case, the Examiner respectfully notes that each and every motivation to combine the applied references are accompanied by select portions of the respective reference(s) which specially support that particular motivation and /or an explanation based on the logic and scientific reasoning of one ordinarily skilled in the art at the time of the invention that support a holding of obviousness. As such, it is not seen that the Examiner's combination of references is unsupported by the applied prior art of record. Rather, it is respectfully submitted that explanation based on the logic and scientific reasoning of one of ordinarily skilled in the art at the time of the invention that support a holding of obviousness has been adequately provided by the motivations and reasons indicated by the Examiner, Ex pane Levengood, 28 USPQ2d 1300(Bd. Pat. App &.,4/293 Therefore the combination of reference is proper and the rejection is maintained.

7. In response to applicant arguments against the references individually, one cannot show nonobviousness by attacking the reference individually where the rejections are based on a combination of references. See *In Keller*, 642 F.2d, 208 USPQ 871 (CCPA 1981); *In re Merk & Co.*, 800 F.2d 1091, 231 USPTQ 375 (Fed. Cir. 1986).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

February 27, 2004



HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600